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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,145	03/15/2001	Gregory P. Coomber	5154	5411

7590  
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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/809,145	Applicant(s) COOMBER ET AL.	
	Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,9,10,12,13,17-19,21,22 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9,10,12,13,17-19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Prosecution History Summary*

Claims 2-4, 8, 11, 14-16, 20 and 23 have been cancelled in the instant application.

Claims 24-34 were previously withdrawn in the instant application.

Claims 1, 5-7, 9-10, 12-13, 17-19, 21-22 and 24-34 are pending in the instant application.

### *Drawings*

The drawings were received on 5/2/2005. The Examiner accepts these drawings.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 5-7, 9-10, 12-13, 17-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 6,393,410) in view of Fredell (U.S. Patent Application Publication 2001/0028364).**

Referring to claim 1. Thompson discloses a method of providing project and product information to a purchaser of floor covering materials (at least Thompson: Fig. 17, "FINISHES") using an internet-based Web site system, the method comprising:

- Providing a Web site system that includes a Web site accessible through a computer based server that includes a link to a customer specific URL and that includes an accessible database containing data including a catalog of project data corresponding to floor covering installation projects for said purchaser of floor covering materials (at least Thompson: column 5, lines 1-14);
  - Identifying one or more users authorized to access the Web site of the Web site system on behalf of said purchaser of floor covering materials (at least Thompson: FIG. 5, "LOGON");
  - Assigning to said one or more users personalized registration information in said database (at least Thompson: FIG. 5, "CREATE ACCOUNT");
  - Establishing a category based listing of data elements accessible by each of said one or more users in said database (at least Thompson: FIG. 8);
  - In response to an entry of personalized registration information from a remote computing device by an individual user, linking said individual user to said customer specific URL by system software (at least Thompson: column 4, lines 3-16);
  - Receiving a request for project data from said individual user from the remote computing device (at least Thompson: column 4, lines 3-16);
  - Correlating the entered registration information to the listing of data elements accessible by said individual user by system software (at least Thompson: FIG. 9, "Customer Information");

- Retrieving a portion of the requested project data corresponding to the listing of data elements accessible by said individual user from said database (at least Thompson: column 4, lines 48-62); and
- Transmitting to said remote computing device of the individual user in electronic format said portion of the requested project data corresponding to the listing of data elements accessible by said individual user (at least Thompson: column 4, lines 40-42).

Thompson does not expressly disclose excluding data elements not accessible by an individual user. Fredell discloses a method of excluding data elements not accessible by an individual user (at least Fredell: paragraph 0042). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the method of Thompson to have included the method of Fredell in order to allow people at different companies or other entities to have the benefits of private network security (at least Fredell: paragraph 0005).

The Examiner notes, the following wherein limitations do not relate back to or clarifies what is required by the claim, and is therefore given little patentable weight:

- Wherein said purchaser of floor covering materials is a corporate entity having a plurality of business locations,
- Wherein the catalog of project and product data includes data on any completed floor covering installation projects, and

- Wherein the customer specific URL further includes a link to an order page for said individual user to place an order with a manufacturer of said floor covering materials by a remote computing device.

Referring to claim 5. Thompson further discloses a method wherein in the establishing step, the category based listing of data elements accessible by each of said one or more users is arranged on the basis of geographic location of the floor covering installation projects (at least Thompson: FIG. 3, “**210**”).

Referring to claim 6. Thompson further discloses a method comprising updating project data during the progression of the floor covering installation projects by entry of additional information into a database specific to said purchaser of floor covering materials (at least Thompson: column 4, lines 31-38).

Referring to claim 7. Thompson further discloses a method wherein entry of additional information into the database specific to said purchaser of floor covering materials is carried out by means of a remote data entry system by a representative of a manufacturer of said floor covering material (at least Thompson: FIG. 1, “Suppliers **90**”).

Referring to claim 9. Thompson further discloses a method wherein the customer specific URL further includes a link to means to request quotation for new floor covering installations (at least Thompson: FIG. 3, “**270** and **280**”).

Referring to claim 10. Thompson further discloses a method wherein the customer specific URL further includes a link to a contact page for said individual user to communicate information or messages to a manufacturer of said floor covering materials (at least Thompson: column 4, lines 27-30).

Referring to claim 12. Thompson in view of Fredell does not expressly disclose a method wherein the Web site system is provided by a manufacturer of floor covering materials. The Examiner notes, the specific provider of the Web site system is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The method of providing project and product information to a purchaser of floor covering materials would be performed in the same manner regardless of the provider of the Web site system. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Referring to claims 13, 17-19 and 21-23. Claims 13, 17-19 and 21-23 are rejected under the same rationale as set forth above in claims 1, 5-7, 9-10 and 11.

***Response to Arguments***

Applicant's arguments filed 5/2/2005 with reference to the 35 U.S.C. 101 rejection is persuasive.

Applicant's arguments with respect to all the rejected claims in reference to the 35 U.S.C. 103(a) rejection are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bridges, JR, U.S. Patent Application Publication No. 2002/0123942 A1, September 5, 2002, discloses a preview system for floor covering installations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Patent Examiner  
November 21, 2005